

20 MAG 2962

Approved:

MARGUERITE COLSON / PETER J. DAVIS / ANDREW A. ROHRBACH  
Assistant United States Attorneys

Before: THE HONORABLE STEWART D. AARON  
United States Magistrate Judge  
Southern District of New York

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UNITED STATES OF AMERICA	:	:	<u>COMPLAINT</u>
- v. -	:	:	Violations of
D'CARLO NIMIS DELUCA,	:	:	18 U.S.C. §§ 1038(a)(1),
a/k/a "Robert Curtis Clark,"	:	:	3147, and 2
Defendant.	:	:	COUNTY OF OFFENSE:
	:	:	BRONX
-----	x	:	

SOUTHERN DISTRICT OF NEW YORK, ss.:

SEAN P. DOBSON, being duly sworn, deposes and says that he is a Special Agent with the United States Secret Service, and charges as follows:

COUNT ONE  
(False Information and Hoaxes)

1. In or about March 2020, in the Southern District of New York, and elsewhere, D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, engaged in conduct with the intent to convey false and misleading information, under circumstances where such information may reasonably have been believed, and where such information indicated that an activity has taken, is taking, and will take place that would constitute a violation of Chapter 40 of Title 18 of the United States Code, to wit, DELUCA texted the Washington, D.C. police tip line from the Bronx, New York with the intent to convey false and misleading information that he would cause an explosion using an improvised explosive device, and such conduct would be a violation of 18 U.S.C. section 844(i) - malicious use of explosive materials.

(Title 18, United States Code, Sections 1038(a)(1), 3147 and 2.)

The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with the United States Secret Service, and I have been personally involved in the investigation of this matter. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of records, and conversations that I have had with other law enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

### The July 2019 Complaint

3. Based on my participation in this investigation, I have learned that, on or about July 29, 2019, D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, was arrested and charged by criminal complaint with providing false information and hoaxes in violation of Title 18, United States Code, Sections 1038(a)(1) and 2 (the "July 2019 Complaint"). The July 2019 Complaint is attached as Exhibit A and incorporated by reference.

4. As set forth in the July 2019 Complaint, from at least February 2019 through June 2019, D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, made a series of at least twenty 9-1-1 calls that purported to contain information about recent or imminent emergency activity. The calls typically included threats to prominent buildings in the New York area or warnings about the activities of organized crime. (July 2019 Complaint ¶ 3.) For example, and as set forth in the July 2019 Complaint, on separate occasions, DELUCA falsely reported a bomb threat at Trump National Golf Course Bedminster and falsely reported that persons affiliated with MS-13 were planning to blow up Trump Tower and the White House, and that the First Lady was in jeopardy. (*Id.* at ¶ 4.)

5. Additionally, D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, made specific threats on numerous 9-1-1 calls. For example, on one occasion, DELCUA threatened to kill the president, and on another occasion, DELUCA claimed, in substance and in part, that he was a member of a terrorist



organization who was planning to blow up Trump Tower. (July 2019 Complaint ¶ 4.)

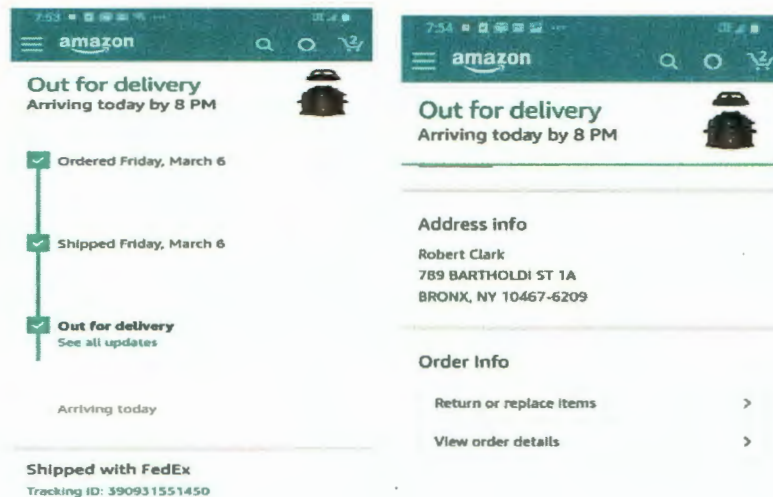
6. On July 29, 2019, D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, was presented before this Court. The defendant was ordered released following a detention hearing. The Court set a number of conditions of pretrial release, including that the defendant was prohibited from making any false communications (calls, emails, or texts) to law enforcement and from possessing a destructive device or other weapon. (19-Mj-06977; ECF No. 8.)

### The March 2020 False Tips

7. Based on my participation in this investigation, and on my discussions with other law enforcement officers, I have learned, among other things, the following:

a. On or about March 10, 2020, an individual texted the Metropolitan Police Department's tip line in Washington D.C. (the "Tip Line"). As set forth below, I believe that D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, sent this text.

b. The body of the text contained the message, "SUSPICIOUS narc packages," and the text attached two images. The two images are reproduced here:



c. Based on my training and experience, I believe that the images above appear to be screenshots from Amazon showing that a package was ordered on March 6 and was "out for delivery." "Robert Clark" is listed as the recipient of the package, and the

delivery address listed a residence in the Bronx, New York (the "Deluca Residence").

d. I have also learned that the images above also include pictures of the item shipped to the Deluca Residence, which, based on my training and experience, appears to be a pressure cooker. Based on my training and experience, and on my participation in this investigation, I have learned that pressure cookers may be converted into improvised explosive devices that are capable of causing large-scale injuries when deployed.

8. Based on my participation in this investigation, and on my discussions with other law enforcement officers, I have learned, among other things, the following:

a. On or about March 14, 2020, an individual texted the Tip Line. As set forth below, I believe that D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, also sent this text.

b. The body of the text contained the message, in substance, "Ka boom loca en la cabeza." Based on my training and experience, I believe that "Ka boom," is commonly used to indicate an explosion.

c. The text message attached a number of images. Two of the images are reproduced here:



d. Based on my training and experience, my participation in this investigation, and my discussions with other law enforcement officers, I believe that the individual depicted



in the above image is D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant. I also believe that the images above appear to be pictures that were taken inside of Immaculate Conception Church in the Bronx, New York. Based on my participation in this investigation and my discussions with other law enforcement officers, I have learned that the Immaculate Conception Church is located within a mile of the Deluca Residence.

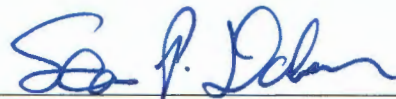
9. Based on my participation in this investigation and my discussions with other law enforcement officers, I have learned the following:

a. On or about March 17, 2020, law enforcement officers arrested D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant.

b. DELUCA was outside of the Deluca Residence at the time of his arrest.

c. Following his arrest, DELUCA and law enforcement officers entered the Deluca Residence to recover DELUCA's medication. While there, law enforcement observed a pressure cooker in plain view. Based on my participation in this investigation, I believe that the pressure cooker that law enforcement officers viewed in the Deluca Residence was the same pressure cooker that DELUCA referenced in the March 2020 texts to the Tip Line.

WHEREFORE, the deponent respectfully requests that D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, be imprisoned or bailed, as the case may be.



SEAN P. DOBSON  
Special Agent  
United States Secret Service

Sworn to before me this  
17th day of March 2020



THE HONORABLE STEWART D. AARON  
CHIEF UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK

# EXHIBIT A

ORIGINAL

Approved: \_\_\_\_\_

PETER J. DAVIS / ANDREW A. ROHRBACH  
Assistant United States Attorneys

Before: THE HONORABLE STEWART D. AARON  
United States Magistrate Judge  
Southern District of New York

19MAG 6977

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: UNITED STATES OF AMERICA : SEALED COMPLAINT  
: :  
: - v. - : Violations of  
: : 18 U.S.C. §§ 1038(a)(1)  
D'CARLO NIMIS DELUCA, : and 2  
a/k/a "Robert Curtis Clark," :  
: COUNTY OF OFFENSE:  
Defendant. : NEW YORK  
: :  
----- x

SOUTHERN DISTRICT OF NEW YORK, ss.:

SEAN P. DOBSON, being duly sworn, deposes and says  
that he is a Special Agent with the United States Secret  
Service, and charges as follows:

COUNT ONE  
(False Information and Hoaxes)

1. On or about June 20, 2019, in the Southern  
District of New York, and elsewhere, D'CARLO NIMIS DELUCA, a/k/a  
"Robert Curtis Clark," the defendant, engaged in conduct with  
the intent to convey false and misleading information, under  
circumstances where such information may reasonably have been  
believed, and where such information indicated that an activity  
has taken, is taking, and will take place that would constitute  
a violation of Chapter 40 of Title 18 of the United States Code,  
to wit, DELUCA called the New York City Police Department  
(NYPD)'s 9-1-1 line with the intent to convey false and  
misleading information that he would cause an explosion at Trump  
Tower in New York, and such conduct would be a violation of 18  
U.S.C. section 844(i) - malicious use of explosive materials.

(Title 18, United States Code, Sections 1038(a)(1) and 2.)



The bases for my knowledge and for the foregoing charges are, in part, as follows:

2. I am a Special Agent with the United States Secret Service, and I have been personally involved in the investigation of this matter. I am familiar with the information contained in this affidavit based on my own personal participation in the investigation, my review of records, and conversations that I have had with other law enforcement officers and other individuals. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts I have learned during the course of my investigation. Where the contents of documents and the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

#### Overview

3. From at least February 2019 through June 2019, the NYPD has received a series of at least twenty 9-1-1 calls that purport to contain information about recent or imminent emergency activity. The calls typically include threats to prominent buildings in the New York area or warnings about the activities of organized crime. For the reasons outlined below, law enforcement has identified the caller as D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant.

4. Based on my review of NYPD records, 9-1-1 recordings, and discussions with law enforcement, I have learned that the calls have escalated in recent weeks, many coming from a phone number ending in -0839 (the "0839 Number"), including the following:

a. On or about May 27, 2019, a caller contacted the New York 9-1-1 line stating, in sum and substance, that the caller possessed text messages from the Latin Kings and MS-13 threatening the President.

b. On or about May 29, 2019, a caller contacted the New York 9-1-1 line to report a bomb threat at Trump National Golf Course Bedminster.

c. On or about June 2, 2019, a caller contacted the New York 9-1-1 line to report a fire at Trump National Golf Club Bedminster.

d. On or about June 10, 2019, a caller contacted the New York 9-1-1 line to report a bomb threat at



Trump Tower and said, in sum and substance, that persons affiliated with MS-13 are planning to blow up Trump Tower and the White House, and that the First Lady was in jeopardy.

e. On or about June 10, 2019, a caller from the 0839 Number contacted the New York 9-1-1 line and, in sum and substance, stated that three persons in Manhattan were planning to kill Press Secretary Sarah Sanders.

f. On or about June 11, 2019, a caller from the 0839 Number called the New York 9-1-1 line and, in sum and substance, threatened to kill the First Lady at Trump Tower.

g. On or about June 15, 2019, a caller from the 0839 Number called the New York 9-1-1 line and, in sum and substance, threatened to kill the President.

h. On or about June 20, 2019, and as described below, a caller from the 0839 Number called the New York 9-1-1 line and said, in sum and substance, that he was a member of a terrorist organization who was planning to blow up Trump Tower.

i. On or about June 27, 2019, a caller from the 0839 caller called the New York 9-1-1 line six times. In sum and substance, two calls contained threats to kill the President, and others claimed to report threats to kill the President.

5. Based on my discussions with law enforcement officers, I have also learned that the following calls were made:

a. On or about June 24, 2019, a caller from the 0839 Number contacted the Buffalo Police Department to report a bomb threat to 307 West 38<sup>th</sup> Street, New York, New York. That address is the headquarters of the GMHC, or Gay Men's Health Crisis.

b. Also on or about June 24, 2019, a caller from the 0839 Number contacted the New York 9-1-1 line to report a fire on the 6<sup>th</sup> Floor of the federal courthouse at 500 Pearl Street.

c. Also on or about June 24, 2019, a caller contacted the New York 9-1-1 line to report a bomb in the vicinity of the federal courthouse at 500 Pearl Street, New York, New York.

d. Also on or about June 24, 2019, a caller from the 0839 Number called the New York 9-1-1 line to report a bomb on Rikers Island.

The June 20 Call

6. Based on my conversations with law enforcement and my review of 911-call recordings and law enforcement records, I have learned, in substance and in part, the following:

a. On or about June 20, 2019, a person using the 0839 Number called the NYPD's 9-1-1 line (the "June 20 Call"). According to a recording of the call, the caller claimed to be a member of a terrorist organization and stated, in sum and substance, "I am going to blow up Donald Trump's building on 5th Avenue." According to the NYPD's records, the call originated in the Bronx.

5. Based on my discussions with law enforcement, I have learned that on or about June 20, 2019, after receiving the June 20 call, personnel from the NYPD and the United States Secret Service responded to the call by conducting a sweep for explosive devices at Trump Tower, located at 721 Fifth Avenue in Manhattan. No explosive devices were found.

The 0839 Number

6. Based on my review of law enforcement records and recordings, I have learned that on or about June 27, 2019, the 0839 Number called 9-1-1. The caller identified himself as "Robert Clark" and, in sum and substance, threatened to kill the president.

7. On or about June 28, 2019, law enforcement obtained a search warrant for records from the provider for the 0839 Number. Based on the information obtained from the service provider for the 0839 Number, I have learned that the 0839 Number's billing information is in the name of "Robert Clark." I have also learned that, between on or about June 10, 2019, and on or about June 28, 2019, the 0839 Number made approximately 500 calls to 9-1-1 and sent over 3,000 text messages to a law enforcement anonymous tip line.

8. Based on my review of federal and state records, as well as my participation in interview that law enforcement conducted with D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, on or about April 8, 2019, I have learned that DELUCA was born with the name "Robert Curtis Clark" but legally changed his name to "D'Carlo Nimis Deluca."

9. Based on my participation in this investigation, I have learned that on or about June 28, 2019, D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, was



committed to the care of the North Central Bronx Hospital. Based on my review of an inventory report created when DELUCA was checked into the hospital, I am aware that he possessed a black cell phone at the time (the "Hospital Phone").

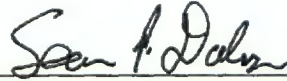
10. On or about July 3, 2019, law enforcement obtained a search warrant for the Hospital Phone. Based on information obtained from that search warrant, I have learned that the SIM card in the Hospital Phone is assigned the 0839 Number.

11. On or about July 5, 2019, D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, called the United State Secret Service. Based on a recording of the call that I have reviewed, I am aware that DELUCA gave his name as "Dcarlo Deluca" and stated, in substance and in part, that they have his phone, and, in substance and in part, that the 0839 Number is his cell phone number.

12. I believe that the June 20 Call was made by DELUCA. As noted above, the June 20 Call was placed from the 0839 Number. Additionally, based on an interview I conducted on or about April 8, 2019, with D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, and based on my review of approximately thirteen 911 call recordings, including approximately nine 9-1-1 calls placed from the 0839 Number, I recognize DELUCA's voice on the June 20 Call. Finally, based on my training and experience, I also believe that the June 20 Call matches DELUCA's pattern of placing calls to 9-1-1 reporting threats to prominent New York-area buildings and places or persons associated with the President.



13. WHEREFORE, the deponent respectfully requests that a warrant be issued for the arrest of D'CARLO NIMIS DELUCA, a/k/a "Robert Curtis Clark," the defendant, and that he be arrested, and imprisoned or bailed, as the case may be.



SEAN P. DOBSON  
Special Agent  
United States Secret Service

Sworn to before me this  
26th day of July 2019



THE HONORABLE STEWART D. AARON  
CHIEF UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK